

WISCONSIN WORKS (W-2) CONTRACT AND IMPLEMENTATION COMMITTEE

201 E. Washington Avenue, GEF 1, Room 400X
Madison, WI 53707

Friday, July 21, 2000

10:00 AM - 2:00 PM

MINUTES

The W-2 Contract and Implementation Committee is the single point of contact for feedback to the Department of Workforce Development on policy implementation related to W-2 agencies, and includes representation from the Wisconsin County Human Service Association (WCHSA), Urban Caucus counties, W-2 private agencies in Milwaukee County and the balance of state, and Tribal W-2 agencies.

COMMITTEE:

Members (Present = X)

X Jennifer Noyes..... DES/AO
William B. Adams Racine County
Jon Angeli Southwest Consortium
X Phyllis A. Bermingham..... Marathon County
Mary Ann Cook Dane County
X Rosa Dominguez OIC
Tina Koehn UMOs
James Nitz Kaiser Group
X Laverne Plucinski..... Bad River Chippewa
X Jewel Reichert Fond du Lac County
Shirley Ross La Crosse County
X Jerry Stepaniak MAXIMUS
Julia Taylor..... YW Works
X Michael Van Dyke Door County
Glynis Underwood..... ESI

Alternates (Present = X)

Jan Alft Marathon County
Linda Brandenburg..... ESI
X Cheryl Cobb UMOs
X Doris Green..... OIC
X Deb Hughes Southwest Consortium
X Edward Kamin III..... Kenosha County
Richard L. Kammerud Polk County
X James Krivsky..... Racine County
Barbara Metoxen..... Oneida Nation
Tom Miller La Crosse County
X Teresa Pierce..... Workforce Connections,
Inc
X Rita Renner YW Works
X Sara Shackleton..... Dane County
Chris Schmitz..... Fond du Lac County

State Staff

Attendees:

Christina Martin, BFS
Jude Morse (by phone), BDS
Tad Mengesha, BWSP/WPS
Mary Moyer, BWSP/WPS
Barbara Harris, BFS
Bev Belany, BFS

Germaine Mayhew, BFS Training Section
Lynn Schmitt, BWSP
Alice Wilkins, BWSP
Anthony Esealuka, BFS
Paul Saeman, DES
Randy Hayward, BFS

Guests:

Tim Cowan, YW Works
Kay Krenzke, ESI
Jane Batha, Curtis & Associates
Kathy Ryan, Dodge County DHS

Marilyn Putz, Walworth Co., Kaiser Group
Liz Green, Rock Co. DHS
Laurie Staves, Kenosha County DHS
Ramona Martinez, UMOs

Recorder:

Stephen Dow, W-2 Contract and Implementation Committee Coordinator

Minutes Approval

May, 2000: Ms. Bermingham requested a correction to the draft minutes; in the best practices discussion, she was commenting only in regard to her own agency's need to be attentive to cultural competence and no other agency's need.

A motion was made by Ms. Hughes to approve the May, 2000 minutes and seconded by Mr. Van Dyke. Motion carried.

June, 2000: A motion was made by Ms. Bermingham to approve the June, 2000 minutes and seconded by Mr. Van Dyke. Motion carried.

Issues Not On Agenda:**EOS**

Lynn Schmitt reported that the EOS reports problems identified in the June minutes have now been fixed.

August Meeting

Ms. Noyes asked if the group wished to modify its plans to meet in August. This was an issue discussed in the previous day's Income Maintenance Advisory Committee (IMAC) meeting and that group has decided not to meet. Members felt there were too many issues of concern and they do want to meet in August.

Issue/Discussion: Best Practices Discussion

No one had any topics; there was no discussion.

Issue/Discussion: Performance Standards Workgroup Update & Discussion

Further discussion about the Workgroup's draft paper was postponed until the August meeting. Ms. Renner solicited comments/suggestions from members.

A general discussion about related issues followed.

- Mr. Kamin asked about access to the data warehouse in time for the right of first selection process. Paul Saeman described the pilots which started in May in Racine and Dodge Counties. That pilot is for the more limited internet version requiring a more limited training program. Mr. Krivsky remarked that the information is a month old and differs from EOS. Mr. Kamin responded that at least it was additional data and would help in CARES corrections. Mr. Saeman said the pilot is demonstrating that there are several technical problems in working the data over the internet, but progress is being made.
- Ms. Renner said there was continuing concern with performance measurements for working with the homeless, the denominator for transfer cases. Mr. Kamin requested that the measurement of available health insurance also be included; Ms. Renner said it would be added. Ms. Shackleton asked if problems resulting from CARES "glitches" would be considered; Ms. Renner and Ms. Dominguez said it was a concern of the workgroup.
- Mr. Krivsky asked about the removal of SSI; Mr. Saeman and Ms. Schmitt responded that sessions were now going on to determine how to do that in CARES.
- Mr. Krivsky mentioned a concern for agencies with no cases if FSET and W-2 are split.
- Administrator Noyes said all of these issues will be under discussion with the workgroup, but agencies and DWD must continue to work within the current W-2 contract. This is the hierarchy of concerns:
 - Performance standards as they are in the contract
 - Performance standards as they are, but with altered calculation methods
 - What is it that is included in the counts
 - Fixes of any CARES glitches
- Ms. Schmitt added that an indicator (Y/N) has been added to the weekly report (C740) to show whether an employment plan was printed. A report has been added (CQ13) to identify error prone profiles.
- Ms. Pierce expressed her appreciation to Ms. Schmitt for her efforts to provide these and other reports.
- Mr. Saeman reported that, at his recent meeting in Washington, DC, he found many other states are moving to performance standards for their TANF administration. Ms. Hughes asked if anyone was measuring the quality of placement; Mr. Saeman responded that he knew of no one doing so—that no one seems to have gone beyond measuring engagement.

Issue/Discussion: DES Policies & Procedures

Shawn Smith described the DES workgroup she has been chairing. The group's product is an updated listing of various policy and procedural materials similar to the listing in the W-2 RFP. A listing is intended to be published on the partner page to aid local agency access. Ms. Noyes requested comments and suggestions be given to Ms. Smith by 08/14/2000.

Issue/Discussion: FEP Turnover Survey

Ms. Mayhew discussed a draft of the survey instrument to be used to query W-2 agencies about their FEP staffing; the survey will be sent to agency CEOs. The survey will be online and take about 3-4 minutes to complete. She requested comments be emailed to her by 07/28/00. The report period will be from January, 1999 through the present; this is intended to reduce the burden on local personnel in responding to the survey.

Immediate Responses:

- The queries are for FEPs and SSPs; it needs to include areas to respond for "combined".
- Ms. Renner pointed out that responses for 1999 should consider that many agencies may have increased their staff numbers; that increased training participation and other data may be showing that increase, not turnover.
- The survey needs to include those who didn't leave the agency but left the position and those who retired.
- The survey should be written in such a way that it is not negative.

Issue/Discussion: Alien Issues (Attorney John Bauknecht, UMOS)

Attorney Bauknecht explained that, although he is not an expert, he is experienced in immigration law and issues. He first cautioned that the term "illegal alien" is confusing as it does not refer to a criminal status; it applies to someone who has not followed the appropriate rules of entry. He suggested using the term "undocumented alien" instead as it is more accurate and less pejorative. Estimates of the number of undocumented aliens entering the USA each year vary from 108,000 to 1 million, depending on who provides the estimate.

Undocumented aliens are not just an Hispanic or Chicano issue; we have persons entering the USA without documentation from around the world.

Sponsorship requirements have been increased. A sponsor must now be responsible for 10 years or until the person becomes a citizen. The sponsor is responsible for providing care to 125% of the federal poverty level. Although in the past the sponsorship agreement was not enforceable, the Personal Responsibility & Work Opportunity Reconciliation Act of 1996 (PRWORA) made sponsors jointly and severally liable for fulfilling their agreement. In addition, if the sponsored alien receives certain federal benefits, the sponsor can be held liable for reimbursing an amount equal to those benefits to the government.

Undocumented aliens have some of the same rights under US law as do citizens, including:

- a hearing before an immigration judge and review, in most cases, by a federal court
- representation by a lawyer (but not at government expense)
- reasonable notice of charges, and of a hearing's time and place
- are reasonable opportunity to examine the evidence and the government's witnesses
- competent interpretation of non-English speaking immigrants
- clear and convincing proof that the government's grounds for deportation are valid.

See also: <http://www.aclu.org/library/pbp20.html>

The success of aliens and new citizens appears to depend more on English language skills and other abilities than on country of origin; that impact of country of origin is basically that country's quality of its educational system.

Refugees are about 10% of the nation's immigrant population; in Wisconsin, it is a higher percentage. This higher percentage may reflect a more accepting community in the state.

An employment law resource is available via the internet at:

<http://www.courtvtv.com/legalhelp/lawguide/smbusiness/611.html>

Forged documents are a problem; they appear easily gotten in Chicago and are as good as one wants to pay for them to be.

Concerns are that some employers continue to harass and discriminate by asking for too much or inappropriate documentation.

Ms. Bermingham asked if Attorney Bauknecht was available to participate in labor law clinics. His response was that he can be available but would be limited to discussion of general issues, not case-specific discussion. Ms. Reichert asked the best

way to INS data; Attorney Bauknecht noted that most INS for our area is now handled from Chicago. That has meant that in now many cases, the best method is through an immigration attorney.

Ms. Bermingham also asked if there continues to be much exploitation of new immigrants and undocumented aliens. Mr. Bauknecht's response was that there does continue to be exploitation and gave a case example with which he was familiar. Ms. Bermingham asked what agencies can/should do when they become aware of such conditions. Mr. Bauknecht gave these resources:

- A private attorney. However, many charge \$1,500 - \$2,000 for retainer. LAW and other federally-funded legal services agencies are prohibited by federal law from working on immigration law.
- Catholic Charities has provided pro bono legal assistance.

There are not many resources and assisting in exploitation situations is complicated as the victim seldom wants to compromise citizenship or continued residence chances---they don't want to be identified in the legal system.

Issue/Discussion: Division of Vocational Rehabilitation

Administrator Noyes alerted members that a release had just come from the DWD Secretary's Office suspending the intake of anyone to DVR services for all categories. This is the result of funding shortfalls in DVR.

There was concern among members about DVR as a primary resource to many of their participants.

Issue/Discussion: Access to Contingency Funds & Community Reinvestment

Mr. Kamin asked what happened to a draft memo shared by Secretary Stewart with the Committee's August, 1999 meeting. Administrator Noyes responded that circumstances had changed since the August meeting; that the requirements the Legislature's Joint Committee on Finance placed on accessing the contingency funds meant the material in the memo no longer is applicable. The dollars continue their designation as TANF dollars but are at the control of that Committee.

Mr. Kamin said the DVR cutoff of new referrals will increase the impact on local agencies of service delivery expenses. If the Legislature had not reduced the amount available in the RFP, there would be less need, but still a need for the contingency funds.

Ms. Pierce asked if the funds would revert to the federal government. Ms. Noyes responded that they would not, as they are considered to be obligated TANF funds and thus will not be subject to the federal refund.

Mr. Kamin asked if our "success" will lead to a reduction in future funding---whether we are dealing with a perception problem that complicates dealing with the reality of our participants; that W-2 can not respond to funding shortfalls as DVR has done.

Ms. Morse asked if Community Reinvestment dollars were less than adequate for W-2 contract supplements; Mr. Kamin and Ms. Reichert responded they were. Ms. Noyes commented that, when Joint Finance is approached for the contingency funds, it will certainly ask if the CR and unrestricted profit dollars were first used.

Mr. Van Dyke asked if agencies were committed to submitting the plan for the CR dollars by September, 2000. Ms. Morse responded that September is the "drop dead" date for plan submittal to issue the money; agencies can negotiate to modify their plan after that date. Mr. Kamin asked if CR should only have been looked at as a "rainy day" fund; Ms. Noyes responded that many agencies seem to have viewed it as that. The August, 1999 minutes seem to suggest that thought as well.

Mr. Kamin asked about the sanctioned payment dollars and whether those could be released to the agencies; Ms. Morse responded that present appropriation language does not permit doing that.

Administrator Noyes requested, due to the length of this discussion, that member submit further questions to Ms. Morse and they will become an item on the next meeting's agenda.

Issue/Discussion: 60-Month Time Limit Subcommittee (Michael Van Dyke)

Mr. Van Dyke reported on behalf of Ms. Cook. The subcommittee met on July 5. The group wanted continued engagement with their participants as a way of truly servicing the family beyond just workforce attachments.

The present committee includes Mr. Van Dyke, Ms. Cook, Ms. Bermingham, Ms. Hughes, Ms. Cobb, and John Wilberding (MAXIMUS). Mr. Van Dyke asked if anyone else would like to join or whether anyone else had additional ideas.

Ms. Renner commented that identification of the numbers of participants meeting this time limit will be difficult, as well as the case management planning that will be required.

Mr. Van Dyke asked if, as part of securing resources for these participants, a memo of understanding with DHFS would be useful. Ms. Noyes said such MOU conversations had already begun.

Mr. Van Dyke also asked about technical assistance; Ms. Noyes suggested he contact Alice Wilkins, BWSP, with such requests.

Issue/Discussion: Monthly 24-Month Extension Report

The report was distributed with no discussion.

Issue/Discussion: Monthly CARES Update Report, Lynn Schmitt, DES/BWSP/CARES Section

Ms. Schmitt reported that all counties, other than Milwaukee, will be in the FS EBT system by the end of the month. The 3-phase process for Milwaukee County transition is on schedule

Work on notices redesign is going well. The automation of MAPP and C-Supp is being delayed, which will permit additional resources devoted to notices. The "028" (the ambiguous negative notice) problem is being attacked as part of notice work.

The automation of FS quarterly reporting is being worked on; the old monthly report form (MRF) processing may be resurrected as the solution.

Issue/Discussion: Monthly Training Update Report, Gerry Mayhew, DES/BFS/Training Section

Work continues on the revisions to the new worker training; the target date of January, 2001 still looks good.

Work has also been initiated to develop a catalogue of training available.

Alternative training delivery is being reviewed, primarily reviewing opportunities available on the internet. It is hoped that resources may be found that will make it easier to meet the requirements for intensive case management training.

Mr. Kamin noted that some of the new worker training sets up added workload in the local agency. Ms. Mayhew agreed, but added that the scheme for the training resulted from the advisory committee, largely made up of W-2 agency personnel who should have been well aware of the workload impacts of their proposals. Ms. Mayhew added that the DES Training Section plans to provide on-site support to assist in the local training effort and, perhaps, this will reduce the workload impact. The plan also includes an ongoing evaluation plan, so the workload impact will be observed; this should permit data with which the plans can be revised, if needed.

Issue/Discussion: OTHER –

MOU with DVR

Ms. Hughes asked if DES was still working on a memo of understanding with the Division of Vocational Rehabilitation (DVR). Ms. Noyes responded that this work continues to move forward; Jan Van Vleck is in the lead for DES. Part of the negotiation is the determination of the amount of uncommitted TANF dollars still available to DWD.

W-2 Agency CEO Meeting

Ms. Noyes informed members about the plans to have a follow-up meeting for W-2 agency CEOs later this year. The invitation letter, from Secretary Stewart, should be out shortly. The meeting will include focus on future planning and build on various recent meetings, including the recent MEP seminar and earlier CEO summit.

Update on Biennial Budget Process

Members requested an update, as far as is possible, at the next meeting.

NEXT MEETING DATE: August 18, 2000
10:00 a.m. – 2:00 p.m.
201 East Washington Ave.
GEF 1, Room 400X
Madison, WI 53707